

# **EXHIBIT 1**



**U.S. Department of Justice**

Criminal Division

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Public Integrity Section

Washington, D.C. 20530

November 3, 2022

**BY ELECTRONIC MAIL**

John J. Pease III, Esq.  
Jonathan York, Esq.  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921

Re: *United States v. Julio R. Sotomayor*, 1:22-cr-00122 (RDA)

Dear Messrs. Pease and York:

This letter responds to your correspondence dated October 25, 2022. Your most recent letter appears to be part of an effort to generate unfounded discovery disputes and paper the record in purported support of your recently filed motion to compel. The discovery that we have provided to you is organized, comprehensive, and indexed. It is also evident from your various letters that you have already reviewed, catalogued, and loaded the discovery into a searchable, electronic platform and are having no problem locating information relating to your client.

Your repeated suggestion that the government is legally required to provide you with *Jencks* material at this stage is misplaced. That said, we have provided you with an exceptionally early production of potential *Jencks* material, including interview reports and grand jury transcripts. Your motion to compel seeks material that has already been produced to you and is therefore moot. In addition, since we have provided you with an early production of potential *Jencks* material, we ask that you do likewise. Please let us know early next week when we can pick up your reciprocal discovery, which we have previously requested, and your early production of Rule 26.2 statements.

You also complain that you received “eight .pst files that have not yet been processed,” suggesting that the government has provided you with an irrelevant “data dump.” Although we disagree with your characterization, the fact that they are unprocessed makes it easier to review and search the material in Microsoft Outlook, not harder. We provided you with this material in an unprocessed format because processing it would have delayed the production by a few weeks.

You further complain that some of the documents were redacted. We will confirm, but it is our understanding the documents were produced in the form they were provided to the FBI. You have also received FBI-302s relating to the substantive information provided by Ms.

Thomas that provides context to the .pst files. *See, e.g.*, FBI-00060517-18, FBI-00060662-65, FBI-00060979, FBI-00065668.

The remainder of your letter covers a topic that we have already addressed in our letter to you dated October 20, 2022. It is also a topic that is raised in your motion to compel. We will respond to it in greater detail when we file our opposition brief.

Very truly yours,

Jessica D. Aber  
United States Attorney

Corey R. Amundson  
Chief, Public Integrity Section

  
Edward P. Sullivan  
Special Assistant United States Attorney (LT)  
Senior Litigation Counsel, Public Integrity Section  
Heidi B. Gesch  
Assistant United States Attorney

**From:** "Gesch, Heidi (USAVAE)" <[HGESCH@USA.DOJ.GOV](mailto:HGESCH@USA.DOJ.GOV)>

**Date:** September 2, 2022 at 3:42:45 PM EDT

**To:** "Pease, III, John J." <[JOHN.PEASE@MORGANLEWIS.COM](mailto:JOHN.PEASE@MORGANLEWIS.COM)>, "Sullivan, Edward (CRM)" <[EDWARD.SULLIVAN@USDOJ.GOV](mailto:EDWARD.SULLIVAN@USDOJ.GOV)>

**Cc:** "York, Jonathan P." <[JONATHAN.YORK@MORGANLEWIS.COM](mailto:JONATHAN.YORK@MORGANLEWIS.COM)>

**Subject:** RE: US v. Sotomayor

John,

We have been working on tracking down answers to the issues addressed in your initial letter. Below is what I know so far, and we will have to get back to you on the other issue you raised (regarding FBI-00049233, FBI-00049334, FBI-00049363, FBI-00049503, FBI-00049522, FBI-00049534, and FBI-00049536) after we look into it further.

#### Placeholder Documents

1. With respect to the place-holder files, FBI-00053598-53605, I understand there was an error in loading them into the database that we use to produce discovery. We have requested that these files be loaded into our system so they can be produced to you with our forthcoming discovery production.
2. The place-holder files, 1D-00000001-1D-00000003 and 1D-00000005 to 1D-00000014, should be located on the hard drive we produced to you in the following folder: PROD 002/Native-Manually Placeholderderd folder. Within this folder are subfolders that have the same name as the bates numbers listed on the placeholders. In order to play 1D1, 1D3, and 1D6, which are Hawk files, my understanding is that you need to copy the HAWK and Player folders onto a computer or other media with no preceding folder path.

#### Grand Jury testimony and interview reports

1. We have provided you with exceptionally early Jencks, including the grand jury transcripts you identified in your letter. As we indicated to you previously, we will be producing additional interview reports and grand jury testimony in our next discovery production.

#### Technical Issues

2. We will include the BBG-00087795 to BBG-00087830 Bates range in our upcoming discovery production with the image overlay needed to load these files.
3. BBG-00087834-88539 and 1A-00000001 do appear to be duplicates.
4. We are not seeing the issue with the PROD-BEGATTACH and PROD\_ENDATTCH fields; could you give us an example or two with specific Bates numbers where you are seeing the issue so we can take a look?
5. We have provided you with detailed indices to assist you in locating and reviewing the material you deem important.

We will be in touch regarding your second letter soon.

Best,

Heidi

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**From:** Pease, III, John J. <[JOHN.PEASE@MORGANLEWIS.COM](mailto:JOHN.PEASE@MORGANLEWIS.COM)>

**Sent:** Wednesday, August 31, 2022 4:30 PM

**To:** Sullivan, Edward (CRM) <[EDWARD.SULLIVAN@USDOJ.GOV](mailto:EDWARD.SULLIVAN@USDOJ.GOV)>; Gesch, Heidi (USAVAE) <[HGESCH@USA.DOJ.GOV](mailto:HGESCH@USA.DOJ.GOV)>

**Cc:** York, Jonathan P. <[jonathan.york@morganlewis.com](mailto:jonathan.york@morganlewis.com)>

**Subject:** [EXTERNAL] US v. Sotomayor

Ed and Heidi,

Please see attached letter. Can we please schedule a call tomorrow to discuss this letter and the one I sent to you on August 22? Thanks for your consideration.

--John

**John J. Pease III**

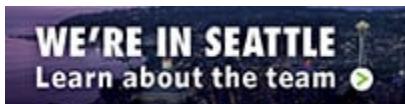
**Morgan, Lewis & Bockius LLP**

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Assistant: Patricia G. Figgs | +1.215.963.5389 | [patricia.figgs@morganlewis.com](mailto:patricia.figgs@morganlewis.com)



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**From:** Gesch, Heidi (USAVAE)  
**Sent:** Thursday, October 13, 2022 2:56 PM  
**To:** Pease, III, John J. <[john.pease@morganlewis.com](mailto:john.pease@morganlewis.com)>; Sullivan, Edward (CRM) <[Edward.Sullivan@usdoj.gov](mailto:Edward.Sullivan@usdoj.gov)>  
**Cc:** York, Jonathan P. <[jonathan.york@morganlewis.com](mailto:jonathan.york@morganlewis.com)>  
**Subject:** RE: Sotomayor Discovery Issues -- Missing Images

John,

Our file copy of the production shows that these images were included. We are wondering if this may be a loading error on your side. Could you check on that and get back to us?

Heidi

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**From:** Pease, III, John J. <[john.pease@morganlewis.com](mailto:john.pease@morganlewis.com)>  
**Sent:** Wednesday, October 12, 2022 2:31 PM  
**To:** Sullivan, Edward (CRM) <[Edward.Sullivan@usdoj.gov](mailto:Edward.Sullivan@usdoj.gov)>; Gesch, Heidi (USAVAE) <[HGesch@usa.doj.gov](mailto:HGesch@usa.doj.gov)>  
**Cc:** York, Jonathan P. <[jonathan.york@morganlewis.com](mailto:jonathan.york@morganlewis.com)>  
**Subject:** [EXTERNAL] Sotomayor Discovery Issues -- Missing Images

Ed and Heidi,

Attached to this email is a list of 563 documents for which no images were provided by your office. Can you please send us the images as soon as possible. Thanks.

--John

**John J. Pease III**  
**Morgan, Lewis & Bockius LLP**  
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**From:** Gesch, Heidi (USAVAE)  
**Sent:** Monday, August 15, 2022 2:45 PM  
**To:** Pease, III, John J.; Sullivan, Edward P. (USAVAE); York, Jonathan P.  
**Cc:** Sullivan, Edward (CRM)  
**Subject:** RE: [EXTERNAL] RE: US v. Sotomayor - External Hard-Drive

John,

Hope you had a good weekend. We checked with our paralegal, and for some reason, a separate index was not created for Volume 3 of production 1. However, all the documents from Volume 3 should be included in the overall index for production 1. This document name for this index is PROD001.xlsx, and it is located within the PROD 001 folder. I believe the materials from Vol. 3 of Prod001 start at line 194033 of the spreadsheet. I have included screen captures below showing which index I am referring to, and which line number. Hope that helps.

Thanks,  
Heidi

Name	Date modified	Type
PROD001-VOL1	7/9/2022 1:20 PM	File folder
PROD001-VOL2	7/9/2022 4:12 PM	File folder
PROD001-VOL3	7/9/2022 2:49 PM	File folder
PROD001.xlsx	1/28/2022 12:30 PM	Microsoft Excel W...

	DOS-00000545	DOS-00000610	DOS-00000616	DOS-00000621	DOS-00000625	DOS-00000628	DOS-00000632	Z
194033	DOS-00000545							0
194034	DOS-00000610							0
194035	DOS-00000616							0
194036	DOS-00000621							0
194037	DOS-00000625							0 Z
194038	DOS-00000628							0
194039	DOS-00000632							2

**From:** Pease, III, John J. <john.pease@morganlewis.com>  
**Sent:** Wednesday, August 10, 2022 8:06 AM  
**To:** Sullivan, Edward P. (USAFAVE) <EPSullivan@usa.doj.gov>; York, Jonathan P. <jonathan.york@morganlewis.com>  
**Cc:** Gesch, Heidi (USAFAVE) <HGesch@usa.doj.gov>; Sullivan, Edward (CRM) <Edward.Sullivan@usdoj.gov>  
**Subject:** RE: [EXTERNAL] RE: US v. Sotomayor - External Hard-Drive

Thanks, Ed. Jonathan will pick up the hard drive this morning. I will send a calendar invite for a call late on Friday.

**John J. Pease III**

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Assistant: Patricia G. Figgs | +1.215.963.5389 | patricia.figgs@morganlewis.com



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**From:** Sullivan, Edward P. (USAVAE) <[Edward.P.Sullivan@usdoj.gov](mailto:Edward.P.Sullivan@usdoj.gov)>

**Sent:** Tuesday, August 9, 2022 7:30 PM

**To:** Pease, III, John J. <[john.pease@morganlewis.com](mailto:john.pease@morganlewis.com)>; York, Jonathan P. <[jonathan.york@morganlewis.com](mailto:jonathan.york@morganlewis.com)>

**Cc:** Gesch, Heidi (USAVAE) <[Heidi.Gesch@usdoj.gov](mailto:Heidi.Gesch@usdoj.gov)>; Sullivan, Edward (CRM) <[Edward.Sullivan@usdoj.gov](mailto:Edward.Sullivan@usdoj.gov)>

**Subject:** RE: [EXTERNAL] RE: US v. Sotomayor - External Hard-Drive

[EXTERNAL EMAIL]

John – The hard drive is ready to go. For discovery productions of this nature, the USAO makes the production available at the front desk. If Jonathan (or an assistant stops by the office), it is listed under his name and firm. The password for the hard drive is 127959001.

I am available late on Friday or over the weekend if you want to do a call regarding the proposed discovery order. Thank you.

Regards,

Ed

Begin forwarded message:

**From:** "Pease, III, John J." <[john.pease@morganlewis.com](mailto:john.pease@morganlewis.com)>

**Date:** August 9, 2022 at 9:27:19 AM EDT

**To:** "Sullivan, Edward (CRM)" <[Edward.Sullivan@usdoj.gov](mailto:Edward.Sullivan@usdoj.gov)>

**Cc:** "Gesch, Heidi (USAVAE)" <[HGesch@usa.doj.gov](mailto:HGesch@usa.doj.gov)>, "York, Jonathan P." <[jonathan.york@morganlewis.com](mailto:jonathan.york@morganlewis.com)>

**Subject:** [EXTERNAL] RE: US v. Sotomayor - External Hard-Drive

Good morning, Ed and Heidi. I am checking in on status of loading discovery materials onto the hard drive. Can you please let me know when it will be ready? Also, please let me know if you would like to schedule a call to discuss the discovery plan. Thanks.

--John

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**From:** Sullivan, Edward (CRM) <[Edward.Sullivan@usdoj.gov](mailto:Edward.Sullivan@usdoj.gov)>  
**Sent:** Monday, August 1, 2022 12:30 PM  
**To:** Pease, III, John J. <[john.pease@morganlewis.com](mailto:john.pease@morganlewis.com)>  
**Cc:** Gesch, Heidi (USAFAE) <[Heidi.Gesch@usdoj.gov](mailto:Heidi.Gesch@usdoj.gov)>; York, Jonathan P. <[jonathan.york@morganlewis.com](mailto:jonathan.york@morganlewis.com)>  
**Subject:** RE: US v. Sotomayor - External Hard-Drive

[EXTERNAL EMAIL]

Thanks, John. I believe we received the drive. We will let you know when the processing work is done. Thank you.

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**From:** Pease, III, John J. <[john.pease@morganlewis.com](mailto:john.pease@morganlewis.com)>  
**Sent:** Monday, August 1, 2022 9:47 AM  
**To:** Sullivan, Edward (CRM) <[Edward.Sullivan@usdoj.gov](mailto:Edward.Sullivan@usdoj.gov)>  
**Cc:** Gesch, Heidi (USAFAE) <[HGesch@usa.doj.gov](mailto:HGesch@usa.doj.gov)>; York, Jonathan P. <[jonathan.york@morganlewis.com](mailto:jonathan.york@morganlewis.com)>  
**Subject:** [EXTERNAL] US v. Sotomayor - External Hard-Drive

Ed,

Attached please find an e-file copy of the transmittal letter along with a copy of the FedEx label for tracking purposes. I understand that it was just delivered to the USAO in Alexandria and is addressed to you. Instructions for the hard drive required a PIN to be set prior to first use. We passcode protected the hard drive: The **passcode/PIN** for the hard-drive is: **1279590001**.

Please let us know if you have any questions. Thanks for your cooperation.

--John

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